G.R.S. III-2]

Previous references. 1924 (Courts)

File No. 93-24

Serial Nos. 1-2

Later references.

Present

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

Part B for October 1924.

SUBJECT

Addendum to rule 25 of the rules relating to the form of application to the High Court for stay of execution proceedings

G.O.Nos. 1728 & 1-10-24

Home Secy to Govt
High Court

Sanctioned

Ramaswamy Iyer
8/11/24

G.R.S. 11]

1924-5

GENERAL AND REVENUE SECRETARIAT.

(45)

NOTES

File No. 93-24

FILE HEADING.

Addendum to the rules of 25.9.1905 relating to the practice of the lehieg Court as regards the form of application for stay of execution proceedings to the Chief Court

From

The Regr lehieg Court

No. 316 Dated 28-8-24. Received 1-9-24

Diary No.	1019	Enclos. 1	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

Requests that the accompanying form of application to the addendum
lehieg Court for stay of execution proceedings under may
be sanctioned as the form as at present prescribed is found defective

NOTES AND ORDERS.

Sd with draft

B/ wl
12.9.24.

Ele ch. Ch wants an addendum to
Rule 28 on page 4, in order to furnish better
particulars in the affidavit filed with
applications for stay of execution, as is usable

NOTES—First Sheet.

GCB—30,000—27-6-11

Ch 93—24

The papers to have full information with
further reference into the records. This may perhaps
be approved -

25-5-1
17/9. 1st member

18.9

16-9

16-9

27.9

27.9

2) To the Regr. Chief Court.
No P. 1728 dt 1.10.24.

Sanction the proposed addendum to rule 25 of the rules relating to the procedure of the Chief Court.

23/10.

12255

1019 595
P J

CHIEF COURT OF MYSORE

Telegraphic Address. "JUSTICE"

Bangalore, dated 28th August 1924.

C No. 316 / 1924
civil

Eb 73—24 -1

FROM

A. SREENIVASARAGAVACHARI, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

30. AUG. 1924

B. Nagappa, Esq., Bar-at-Law,
Secretary to Government,
Local and Legis: Depts.,
Bangalore.

SIR,

I am directed to invite reference to Rule 25 of the Rules dated the 25th September 1905, relating to the practice of the Chief Court of Mysore (printed at pages 4 and 5 of the Civil Digest 1919) and to state that the form of the application for the stay of execution prescribed therein, is defective inasmuch as it does not require information as to the nature of the decree passed and who the applicant is -- whether plaintiff or defendant, etc., and it often involves much time of the Judges to find out these particulars from the records. Under Order XLI, Rule 5 (3) no order for the stay of execution shall be made unless the court making it is satisfied that the grounds mentioned in clauses (a) (b) (c) thereof exist in a particular case. Apparently therefore an application for stay of execution should contain all these particulars in order that the court may be satisfied that a prima facie case is made out for granting the stay.

With a view to remedy this defect, the Chief Court intends to issue the enclosed addendum and I am to request that Government may be pleased to accord their sanction for the issue of the same.

I have the honour to be,
Sir,
Your most obedient servant,
A. Sreenivasaragavachari
REGISTRAR.

PNK.

595

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Dated the.....August 1924.

****

The Chief Court directs that the following be added as Rule 25 A to the Rules, dated 25th September 1905, relating to the practice of the Chief Court.

"25A. The affidavit shall, in addition to the particulars set forth in Order XLI, Rule 5(3) Civil Procedure Code, contain information as to the nature and value of the decree and the position of the applicant and the decree-holder in the Lower Court, whether Plaintiff or Defendant, etc."

Registrar.

5

G.R..S VI G 34]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section Cb

File No. 93–24

Serial No. 2

General and Revenue Secretariat

( )

, *the* 192 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue..... 1/10/24

Signed by..... W. V. 75

Read—

Letter no Cr 316 dy 28.8.24 from the Regr Chief Court stating that Rule 25 to the Rules of the 25th Sept. 1905 relating to the practice of the Chief Court of Mysore prescribing the form of the application for the stay of Execution is defective in as much as it does not require information as to the nature of the decree passed and the ~~Order Thereon No.~~ 10210 the applicants-whether Plaintiff or Defendant - etc and requesting Sanction to the following addendum in order to to the rule referred to, above, remedy the defects pointed out.

Here enter the addendum as ~~Printed~~ the Chief Court forwarded with letter etc ... dy 17/9/24

order

Sanctioned

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Compared by

Examined by

Hy 29.

Submitted 3/10/24 to the Regr Chief Court under Regr's D.O. No. 15/9

L.L.Dey

Proceedings of the Government of His Highness
the Maharaja of Mysore.

Read:-

Letter No.C.316 dated 28-8-1924 from the Registrar, Chief Court, stating that Rule 25 to the Rules of the 25th September 1905 relating to the practice of the Chief Court of Mysore prescribing the form of the application for the stay of execution is defective in as much as it does not require information as to the nature of the decree passed and who the applicant is -whether plaintiff or defendant - etc. and requesting sanction to the following addendum to the rules referred to, in order to remedy the defects pointed out.

"The Chief Court directs that the following be added as Rule 25 A to the Rules, dated the 25th September 1905, relating to the practice of the Chief Court.

"25 A. The affidavit shall, in addition to the particulars set forth in Order XLI Rule 5 (3) Civil Procedure Code, contain information as to the nature and value of the decree and the position of the applicant and the decree-holder in the Lower Court, whether Plaintiff or Defendant, etc."

Order No.P.

Dated Bangalore, the September 1924.

S a n c t i o n e d.

Fair draft

For Secretary to Government,
Local and Legislative Departments.

To

The Registrar, Chief Court.

KNN